IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Criminal Writ Petition No. 1151 of 2004 (M/B)

Malendra Singh S/o Late Balwant Singh,
R/o Village Shivrajpur Patti, P.S. Jaspur,
District Udham Singh Nagar & others. …… Petitioners.

Versus

State of Uttaranchal & others. …… Respondents

Mr. Dharam Veer, learned senior counsel appearing on behalf of the petitioners.
Mr. D.K. Sharma, learned Government Advocate for the State.

Hon. V.S. Sirpurkar, C.J.
Hon. Rajesh Tandon, J.

1. Heard Mr. Dharam Veer, learned senior counsel for the petitioners and Mr. D.K. Sharma, learned Government Advocate, who accepted the notice on behalf of respondents No. 1 & 2.

2. The learned public prosecutor makes a statement that at this stage, the Investigating Agency does not intend to arrest the petitioner or anyone of them as the offence under Section 436 I.P.C. is not made out. However, it is made clear that in case they require to arrest the petitioner, then, 8 days' prior notice shall be given to the petitioners.

3. With this observation, the writ petition is disposed of.

(Rajesh Tandon, J.) **(V.S. Sirpurkar, C.J.)**
22.11.2004 **22.11.2004**

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